

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-959V

Filed: May 21, 2015

Unpublished

AMY LEE DILLSON,

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Petitioner,

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Danny Ray Ellis, Massey & Associates, P.C., Chattanooga, TN, for petitioner.

Alexis Babcock, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On October 8, 2014, Amy Lee Dillson filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² [the “Vaccine Act” or “Program”]. Petitioner alleges that she suffered a left shoulder injury as a result of receiving an influenza vaccine on October 12, 2012. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 21, 2015, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent states that medical personnel at the Division of Injury Compensation Programs (“DICP”) “concluded that Ms. Dillson suffered a non-Table injury of SIRVA and that the preponderance of the medical evidence indicates that the

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

injury was causally related to the vaccination. Therefore, compensation is appropriate.”
Id. at 4.

In view of respondent’s concession and the evidence before me, I find that petitioner is entitled to compensation.

s/Denise K. Vowell
Denise K. Vowell
Chief Special Master